

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
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)	
Petition of Standing Rock)	WC Docket No. 09-197
Telecommunications, Inc.,)	
To Redefine Rural Service Areas)	
)	
)	
)	
PSC Case No. PU-10-574)	
)	

**NORTH DAKOTA PUBLIC SERVICE COMMISSION COMMENTS AND
RESPONSE TO PETITION FOR RECONSIDERATION OF STANDING ROCK
TELECOMMUNICATIONS, INC. TO REDEFINE RURAL SERVICE AREA.**

The North Dakota Public Service Commission (NDPSC) resists the September 23, 2010 Petition for Reconsideration of Standing Rock Telecommunications, Inc. (SRTI) to Redefine Rural Service Area.

In the August 24, 2010 Wireline Competition Bureau (Bureau) Memorandum Opinion and Order (Order), the Bureau designated SRTI an Eligible Telecommunications Carrier for portions of its licensed service area on the Standing Rock Sioux Reservation in North Dakota and South Dakota to the extent described in the Order. *In the Matter of Telecommunications Carriers Eligible for Universal Service Support; Standing Rock Telecommunications, Inc. Petition for Designation as an Eligible Telecommunications Carrier; Petition of Standing Rock Telecommunications, Inc. to Redefine Rural Service Areas*, Memorandum Opinion and Order, WC Docket 09-197 (Aug. 24, 2010). Specifically, the Bureau conditionally defined SRTI's service area "to consist of the McIntosh and Morristown wire centers

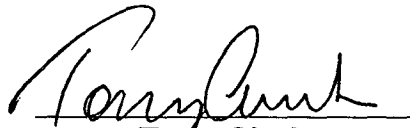
within Qwest's service area; the portion of Qwest's Timberlake wire center within the [Standing Rock Sioux] Reservation's boundaries; *and the Fort Yates, McLaughlin, and Selfridge wire centers within West River's service area*". *Id.*, ¶25. (emphasis added). The Order was specifically conditioned upon the consent of the NDPSC to the redefinition of the service area of West River Telecommunications Cooperative (West River).

In SRTI's petition of September 23, 2010, SRTI requests that the Order be reconsidered as it relates to the condition requiring the NDPSC's consent to the redefinition of West River's service area. SRTI essentially advocates that the NDPSC is without jurisdiction over SRTI. We respectfully note that the jurisdictional question at issue is not about jurisdiction over SRTI. Rather, the question is about jurisdiction over the incumbent rural telecommunications company and its designated service area. The NDPSC does have jurisdiction over West River.

The Bureau's Order correctly stated that the participation of the NDPSC is necessary before the West River service area can be redefined. *Id.*, ¶28. In addition to recognizing the NDPSC's jurisdiction, the Bureau also correctly noted that the NDPSC "is uniquely qualified to examine the proposed redesignation because of its familiarity with the rural telephone company's [West River] service area in question". *Id.*, ¶27. Further, for companies under NDPSC's jurisdiction, the NDPSC has specific statutory authority to designate service areas. *Please see* N.D.C.C. § 49-21-01.7(13) ("the [C]ommission has the power to [d]esignate geographic service areas for the purpose of determining universal service obligations and support mechanisms under the federal act").

The NDPSC appreciates the Bureau's recognition of the NDPSC's authority over West River and West River's geographic service area and the Bureau's recognition that it is the NDPSC that is uniquely qualified to handle service area definition issues. The North Dakota Public Service Commission respectfully requests that SRTI's Petition for the Order's Reconsideration be denied.

NORTH DAKOTA PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Kevin Cramer
Chairman


Brian P. Kalk
Commissioner